

**LORD CORPORATION,**

**Plaintiff,**

**v.**

**S&B TECHNICAL PRODUCTS, INC.,**  
**TERRAMIX S.A., and MARK A. WEIH,**

**Defendants.**

On December 15, 2010, defendant Terramix, S.A. filed a motion for partial summary judgment on its own first claim for relief set forth in the first amended counterclaims of Terramix, S.A. [D.E. 359]. On January 19, 2011, plaintiff responded in opposition [D.E. 370, 372]. On February 28, 2011, the court referred the motion to Magistrate Judge Gates for a memorandum and recommendation. On August 8, 2011, Magistrate Judge Gates issued a Memorandum and Recommendation (“M&R”) [D.E. 579]. In that M&R, Judge Gates recommended that defendant’s motion be denied. On August 18, 2011, defendant filed objections to the M&R [D.E. 593]. On August 29, 2011, plaintiff responded to defendant’s objections [D.E. 604].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis removed) (quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R, the record, defendant's objections, and plaintiff's response to the objections. As for those portions of the M&R to which defendant made no objection, the court is satisfied that there is no clear error on the face of the record.

The court has reviewed de novo the portions of the M&R to which defendant objected. The court overrules the objections and adopts the conclusions in the M&R [D.E. 579]. Defendant Terramix, S.A.'s motion for partial summary judgment on its own first claim for relief set forth in the first amended counterclaims [D.E. 359] is DENIED.

SO ORDERED. This 12 day of September 2011.

  
JAMES C. DEVER III  
United States District Judge